

ORIGINAL

U.S. MARSHALS SERVICE N/A/TX  
DALLAS, TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2016 NOV 17 AM 10:43

UNITED STATES OF AMERICA

v.

NO. 3:16-CR-00332-N

MITCHELL WESTON MILLER

**FACTUAL RESUME**

Mitchell Weston Miller, (the defendant), Jerry W. Tidwell Jr., (the defendant's attorney), and the United States of America (the government) agree to the law and facts as follows:

**ELEMENTS OF THE OFFENSE**

Count One

Transporting and Shipping Child Pornography  
(Violation of 18 U.S.C. § 2252A(a)(1))

In order to establish the offense alleged in Count One of the Indictment, the government must prove the following elements beyond a reasonable doubt:

First: That the defendant knowingly transported or shipped child pornography; and

Second: That the defendant transported or shipped the child pornography using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer.

**STIPULATED FACTS**

On or about November 23, 2015, in the Dallas Division of the Northern District of Texas, the defendant, Mitchell Weston Miller, knowingly transported and shipped child

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pornography using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer. Specifically, he used his electronic mail account and the Internet to send and transmit files of minors engaged in sexually explicit conduct and the lewd and lascivious exhibition of the genitals of minors, as defined in 18 U.S.C. § 2256, including the following described image files:

<b>File Name:</b>	<b>Description:</b>
45406138OWw.jpg	Image file depicting a nude prepubescent female who is lying on a bed. The legs of the prepubescent female are spread exposing her genitals in a lewd and lascivious manner. A male child is also on the bed.
43761444Wvl.jpg	Image file depicting a prepubescent female who is lying on a bed. The legs of the prepubescent female are spread exposing her genitals in a lewd and lascivious manner. The child is wearing glasses and has a pink shirt on.
45519974hSY.jpg	Image file depicting a nude prepubescent female who is lying on a bed. The legs of the prepubescent female are spread exposing her genitals in a lewd and lascivious manner. The child is lying on a brown blanket.

In violation of 18 U.S.C. § 2252A(a)(1).

1. Dallas Internet Crimes Against Children (ICAC) Unit of the Dallas Police Department (DPD) received Cybertips from the National Center for Missing and Exploited Children (NCMEC) concerning electronic mail (email) accounts associated

with child pornography in 2015. One such NCMEC Cybertip from Google showed that on December 22, 2015, a Google mail (Gmail) user with the email account of cromagnum2222@gmail.com uploaded eight images of child pornography to the account. Google also provided that the IP address login history associated with this email account was controlled by the cell phone company, Sprint PCS.

2. Consequently, Dallas ICAC obtained a Google search warrant for the email account and reviewed the email results on or about February 4, 2016. The review showed the email account was used to trade child pornography in a quid pro quo manner and approximately fifty-five emails contained attachments of child pornography. One email from November 23, 2015, showed that the user of the account distributed child pornography to another email user, with the images described above and in Count One of the Indictment, and attached to the email was the message “the two sisters are what I like.”

3. Additionally, the review of the email account showed that the user of the account was Mitchell Weston Miller. Specifically, messages contained the name “Mitch” and “Mitchell Miller” and an address in Kaufman, Texas, located in the Northern District of Texas. In addition, one message showed Mitchell Miller’s Texas Online Defensive Driver Course Registration dated March 17, 2015. Also, the Google return showed that two mobile devices were connected to the email account.

4. Consequently, Kaufman Police Department obtained an arrest warrant for Miller and Miller was arrested on February 26, 2016. During his arrest, a cell phone was

obtained from Miller. Miller was read his Miranda rights, agreed to waive those rights, and consented to an interview. Miller admitted to downloaded child pornography on his cell phone. Consequently, Kaufman Police Department obtained a search warrant for his residence and another cell phone belonging to Miller was obtained. Forensic review of both cell phones of Miller showed that child pornography was located on both SD cards contained in both cell phones. The devices belonging to Miller were a ZTE N910 cellular telephone with a 4GB micro memory card, labeled "Made in China," and a ZTE N9520 cellular telephone with a Toshiba 4GB micro SD card. Forensics also showed that one cellphone, ZTE N9520, was associated with the email account, containing child pornography, cromagnum2222@gmail.com, or variations of this email account of "cromagnum."

5. Specifically, the images described above in Count One of the Indictment were located in an email during the Google search warrant email return review. Miller acknowledges that he is the owner and user of the email account containing child pornography. Miller admits that he knowingly transported the child pornography from his email account on November 23, 2015, while in the Northern District of Texas. Miller acknowledges that the images described are child pornography, as defined by 18 U.S.C. § 2256, and depicts the sexual abuse of actual prepubescent minor children.

6. Miller admits and acknowledges that while in the Northern District of Texas he knowingly transported, received, and possessed images and videos of child pornography, depicting the lewd and lascivious exhibition of the genitals of minors

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engaged in sexually explicit conduct. Further, he admits that he distributed child pornography in the expectation of the receipt of something of value, specifically additional child pornography. He also admits and agrees, that with regard to the nature of the child pornography located on his cell phones, that the majority of the images and videos he possessed depicted prepubescent children under the age of 12 years old. He also admits that some of the images and videos he possessed depicted sadistic images and videos of prepubescent minors.

7. Miller admits that the production of the images and videos involve real children, including the children depicted in Count One of the Indictment. He also acknowledges that his cell phones, that he used to transport the images to and from other individuals, were manufactured outside the State of Texas, and that he transported the images using the internet and his email account. Finally, he admits that many of the child pornography images and videos found on his cell phones were produced outside the State of Texas.

AGREED TO AND SIGNED this 2<sup>nd</sup> day of November, 2016.

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MITCHELL WESTON MILLER  
Defendant

  
JERRY W. TIDWELL JR.  
Attorney for the Defendant

JOHN R. PARKER  
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